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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,637	06/15/2006	Konstantinos Chondroudis	SMX 2022.2 (2003-037 (PCT	7262
45735 7590 11/20/2008 SENNIGER POWERS LLP (SMX) 100 NORTH BROADWAY 17TH FLOOR ST. LOUIS, MO 63102				
EXAMINER HAILEY, PATRICIA L				
ART UNIT 1793		PAPER NUMBER		
NOTIFICATION DATE 11/20/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

10/559,637

Applicant(s)

CHONDROUDIS ET AL.

Examiner

PATRICIA L. HAILEY

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-19 and 39-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 16-18, 39-42, 50-53, 55-58, and 60-63 is/are rejected.
- 7) ☒ Claim(s) 3, 19, 43-49, 54, 59 and 64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Applicants' remarks and amendments, filed on August 14, 2008, have been carefully considered. Claim 15 has been canceled; no new claims have been added.

Claims 1-14, 16-19, and 39-64 remain pending in this application.

Withdrawn Rejections

The 35 U.S.C. 102(b) rejection of claims 4, 12-18, and 50-54 as being anticipated by Capuano et al. (U. S. Patent No. 5,126,216, Applicants' submitted art) stated in the previous Office Action has been withdrawn in view of Applicants' amendments to the claims.

Capuano et al. do not teach or suggest the required atomic percentages of Cu, as recited in the instant claims.

The 35 U.S.C. 102(b) rejection of claims 1-5, 7, 8, 12-19, and 39-63 as being anticipated by Freund et al. (U. S. Patent No. 5,767,036) stated in the previous Office Action has been withdrawn in view of Applicants' amendments to the claims.

Freund et al. do not teach or suggest the required atomic percentages for Pt, Cu or Ni, as recited in the instant claims.

Withdrawal of Allowable Subject Matter

The indicated allowability of claims 6 and 60, stated in the previous Office Action is withdrawn in view of the Examiner's reconsideration of the reference to Acres et al. (U. S. Patent No. 3,915,898).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

New/Maintained Rejections

1. *Claims 1, 2, 4-9, 16-18, 39-42, 50-53, 55-58, and 60-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Acres et al. (U. S. Patent No. 3,915,898).*

Acres et al. teach a catalyst material used in the oxidation of ammonia gas (col. 1, lines 3-7), comprising backup gauzes made from Pt/Ni/Cr alloys, in particular 16Pt/67Ni/Cr (i.e., the balance, apart from impurities, chromium). See col. 3, lines 12-22 and claims 1 and 2 of Acres et al.

In view of these teachings, Acres et al. anticipate claims 1, 2, 4-9, 16-18, 39-42, 50-53, 55-58, and 60-63.

Allowable Subject Matter

2. *Claims 3, 19, 43-49, 54, 59, and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*
3. *Claims 10-14 are allowed.*

The following is a statement of reasons for the indication of allowable subject matter:

Although Capuano et al. and Freund et al. teach electrocatalysts containing alloys of platinum, chromium, and copper and/or nickel, these references fail to teach or suggest the respectively claimed atomic percentage ranges for these elements recited in the aforementioned objected to or allowed claims.

Acres et al. do not teach or suggest the incorporation of Patentees' catalysts onto or into electrically conductive support particles, nor does this reference teach or suggest the respectively claimed atomic percentage ranges for these elements recited in the aforementioned objected to or allowed claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese Publication No. 1988-190253 teaches an electrocatalyst comprising platinum, chromium, and nickel on a carbon black support. However, the atomic percent of platinum exceeds that instantly claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICIA L. HAILEY whose telephone number is (571)272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PATRICIA L. HAILEY/
Examiner, Art Unit 1793
November 12, 2008